

**EIGHTIETH LEGISLATIVE DAY  
WEDNESDAY, MARCH 28, 2007**

House of Representatives

The House convened at 10 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Representative Labrador.

The Pledge of Allegiance was led by Shaye Seward, Page.

**Approval of Journal**

March 28, 2007

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Seventy-ninth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the  
Governor and the Senate**

THE OFFICE OF THE GOVERNOR  
EXECUTIVE DEPARTMENT  
BOISE, IDAHO

**CERTIFICATE OF APPOINTMENT**

KNOW ALL MEN, by these Presents that Nicole LeFavour, State Representative, District 19, Seat B, Ada County, State of Idaho, pursuant to the provisions of Section 59-917, Idaho Code, has nominated Amy Herzfeld, of Boise, Idaho, to perform the duties of this office temporarily as Acting State Representative.

NOW, THEREFORE, I, C. L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the authority vested in me by Section 59-917, Idaho Code, do hereby appoint Amy Herzfeld, Acting State Representative, District 19, House Seat B, Ada County, State of Idaho, for a term commencing on March 28, 2007, and continuing until April 3, 2007 when the incumbent shall resume the performance of the duties or a vacancy occurs in such office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this 27th day of March in the year of our Lord two thousand and seven, and of the Independence of the United States of America, the two hundred and thirty-first year.

/s/ C. L. "BUTCH" OTTER  
Governor  
/s/ BEN YSURSA  
Secretary of State

The Certificate of Appointment was ordered filed in the Office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to Ms. Herzfeld.

OFFICE OF THE GOVERNOR  
Boise

March 27, 2007

The Honorable Lawrence Denney  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I am returning herewith, without my approval, disapproved and vetoed:

**H 105**, as amended

within the time limited by law, the same having arrived in the Office of the Governor at the hour 1 pm, March 21, 2007.

The goal of the State Employee Compensation Philosophy adopted last year and addressed in Idaho Code 67-5309A is a "competitive employee compensation and benefit package."

Since state employee benefits approximate those of the average competitor while state employee pay is 15.6 percent behind the market, our focus should be on increasing state salaries and narrowing the gap rather than incrementally increasing benefits and widening the gap. **H 105**, as amended, is inconsistent with the emphasis needed to achieve our goal.

/s/ Very truly yours,  
C. L. "BUTCH" OTTER  
Governor

**H 105**, as amended, with the Governor's Veto Message attached, was held at the desk.

**H 81**, as amended in the Senate, previously held at the desk, the Governor's Veto Message having been read and spread across the pages of the journal, was before the House for consideration.

The question being, "Shall **H 81**, as amended in the Senate, pass, the veto of the Governor notwithstanding?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Brackett, Bradford, Chadderdon, Collins, Crane, Edmundson, Eskridge, Hagedorn, Hart, Harwood, Henderson, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Patrick, Raybould, Ring, Roberts, Schaefer, Shepherd(2), Shepherd(8), Shirley, Stevenson, Thayne, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 48.

NAYS -- Black, Bock, Boe, Chavez, Chew, Clark, Durst, Henbest, Jaquet, Killen, King, LeFavour(Herzfeld), Pasley-Stuart, Pence, Ringo, Ruchti, Rusche, Sayler, Shively, Smith(30), Smith(24), Snodgrass. Total -- 22.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the members present having voted in the affirmative, **H 81**, as amended in the Senate, passed the House, the veto of the Governor notwithstanding. **H 81**, as amended in the Senate, with the Governor's veto message attached, was ordered transmitted to the Senate.

**H 121**, previously held at the desk, the Governor's Veto Message having been read and spread across the pages of the journal, was before the House for consideration.

The question being, "Shall **H 121** pass, the veto of the Governor notwithstanding?"

Roll call resulted as follows:

AYES -- Anderson, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Brackett, Bradford, Chadderdon, Chavez, Chew, Collins, Crane, Durst, Edmunson, Eskridge, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour(Herzfeld), Loertscher, Luker, Mathews, McGeachin, Mortimer, Moyle, Pasley-Stuart, Patrick, Pence, Raybould, Ring, Ringo, Roberts, Ruchti, Rusche, Saylor, Shepherd(2), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 57.

NAYS -- Andrus, Barrett, Clark, Hagedorn, Hart, Harwood, Marriott, Nielsen, Nonini, Schaefer, Shepherd(8), Thayne, Vander Woude. Total -- 13.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the members present having voted in the affirmative, **H 121** passed the House, the veto of the Governor notwithstanding. **H 121** with the Governor's veto message attached, was ordered transmitted to the Senate.

OFFICE OF THE GOVERNOR  
Boise

March 27, 2007

The Honorable Lawrence Denney  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

**H 99**, as amended, **H 107**, **H 119**, as amended, **H 132**, **H 109**, **H 159**, **H 168**, **H 207**, **H 214**, **H 223**, **H 241**, **H 243**, **H 244**, **H 282**, **H 283**, **H 284**, **H 285**, **H 286**, **H 287**, **H 288**, **H 289**, **H 291**, **H 292**, **H 293**, **H 28**, as amended in the Senate, **H 34**, **H 155**, as amended, **H 167**, as amended, **H 171**, as amended in the Senate, **H 248**, **H 270**, as amended, **H 296**, **H 297**, **H 298**, **H 299**, **H 300**, **H 301**, **H 302**, **H 303**, **H 304**, **H 306**, **H 307**, and **H 315**

Very truly yours,  
/s/ C. L. "BUTCH" OTTER  
Governor

March 28, 2007

Mr. Speaker:

I transmit herewith enrolled **S 1234**, **S 1235**, **S 1242**, **S 1236**, **S 1237**, **S 1238**, and **SCR 121** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1234**, **S 1235**, **S 1242**, **S 1236**, **S 1237**, **S 1238**, and **SCR 121** and, when so signed, ordered them returned to the Senate.

March 28, 2007

Mr. Speaker:

I return herewith enrolled **H 123**, as amended in the Senate, **H 42**, as amended in the Senate, **H 166**, as amended, as amended in the Senate, **H 326**, **H 184**, as amended, **H 328**, **H 325**, **H 253**, as amended in the Senate, **H 295**, as amended in the Senate, **H 327**, and **H 329** which have been signed by the President.

WOOD, Secretary

Enrolled **H 123**, as amended in the Senate, **H 42**, as amended in the Senate, **H 166**, as amended, as amended in the Senate, **H 326**, **H 184**, as amended, **H 328**, **H 325**, **H 253**, as amended in the Senate, **H 295**, as amended in the Senate, **H 327**, and **H 329** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 28, 2007

Mr. Speaker:

I return herewith enrolled **HCR 32** which has been signed by the President.

WOOD, Secretary

Enrolled **HCR 32** was referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

### Report of Standing Committees

Mr. Nonini asked unanimous consent that **S 1174** be returned to the Education Committee. There being no objection, it was so ordered.

March 27, 2007

Mr. Speaker:

We, your COMMITTEE ON WAYS AND MEANS, report that we have had under consideration **S 1243** and recommend that it do pass.

WILLS, Chairman

**S 1243** was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

### Introduction, First Reading, and Reference of Bills and Joint Resolutions

**HOUSE BILL NO. 330**  
**BY APPROPRIATIONS COMMITTEE**  
 AN ACT

RELATING TO APPROPRIATIONS FOR STATE GOVERNMENT; STATING FINDINGS OF THE LEGISLATURE REGARDING ECONOMIC ISSUES; STATING FINDINGS OF THE LEGISLATURE REGARDING CORRECTIONAL ISSUES; STATING FINDINGS OF THE LEGISLATURE REGARDING THE PASSAGE OF THE FEDERAL CRAIG-WYDEN BILL; DIRECTING THE TRANSFER OF MONEYS TO THE ECONOMIC RECOVERY RESERVE FUND; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF COMMERCE; PROVIDING CONTINGENT SPENDING AUTHORITY OF THE AMOUNT APPROPRIATED TO THE DEPARTMENT OF COMMERCE; APPROPRIATING ADDITIONAL MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS TO REPLACE FEDERAL SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT FUNDS; AND DIRECTING THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO DISTRIBUTE FUNDS WHEN CERTAIN CONDITIONS ARE MET.

**HOUSE BILL NO. 331**  
**BY WAYS AND MEANS COMMITTEE**  
 AN ACT

RELATING TO LOBBYISTS; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6617A, IDAHO CODE, TO PROHIBIT LOBBYING BY FORMER LEGISLATORS FOR A CERTAIN PERIOD OF TIME; AMENDING SECTION 67-6625, IDAHO CODE, TO PROVIDE CODE REFERENCES FOR PURPOSES OF APPLICABLE PENALTY PROVISIONS; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 332**  
**BY WAYS AND MEANS COMMITTEE**  
 AN ACT

RELATING TO DUTIES OF THE IDAHO TRANSPORTATION BOARD; AMENDING SECTION 49-201, IDAHO CODE, TO ESTABLISH BOARD DUTIES RELATING TO THE PLANNING AND DEVELOPMENT OF ACCESS CONTROL STANDARDS ALONG CERTAIN STATE HIGHWAYS AND TO REQUIRE AN ANALYSIS OF PROPOSED ACCESS CONTROL STANDARDS.

**HOUSE BILL NO. 333**  
**BY WAYS AND MEANS COMMITTEE**  
 AN ACT

RELATING TO BIOFUELS; AMENDING CHAPTER 1, TITLE 29, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 29-116, IDAHO CODE, TO DECLARE POLICY, TO DEFINE TERMS, TO REQUIRE THAT CERTAIN FRANCHISE AGREEMENTS COMPLY WITH SPECIFIC FEDERAL LAW, TO PROVIDE THAT CERTAIN SUPPLY AGREEMENTS AND CONTRACTS SHALL BE NULL AND VOID, TO PROVIDE EXCEPTIONS TO APPLICABILITY,

TO CLARIFY APPLICATION OF PROVISIONS, TO PROVIDE FOR VIOLATIONS AND PENALTIES, AND TO PROVIDE THAT THE ATTORNEY GENERAL AND SPECIFIED PROSECUTORS SHALL RENDER ASSISTANCE IN EXECUTING PROVISIONS AND PROSECUTING CASES.

**HOUSE BILL NO. 334**  
**BY APPROPRIATIONS COMMITTEE**  
 AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE MILITARY DIVISION FOR FISCAL YEAR 2008; AND EXPRESSING LEGISLATIVE INTENT REGARDING THE USE OF THE APPROPRIATION.

**H 330, H 331, H 332, H 333 and H 334** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

Mr. Moyle moved that the House recess until 1:45 p.m. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House at recess until 1:45 p.m.

RECESS

Afternoon Session

The House reconvened at 1:45 p.m., the Speaker in the Chair.

Roll call showed 68 members present.  
 Absent and excused -- Bradford, Thayn. Total -- 2.  
 Total -- 70.

Prior to recess, the House was at the Eighth Order of Business.

**Introduction, First Reading, and Reference  
 of Bills and Joint Resolutions**

There being no objection, the House returned to the Fifth Order of Business.

**Report of Standing Committees**

March 28, 2007

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 330, H 331, H 332, H 333, and H 334**.

CLARK, Chairman

**H 331, H 332, and H 333** were referred to the Ways and Means Committee.

**H 330 and H 334** were filed for second reading.

March 28, 2007

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 123**, as amended in the Senate, **H 42**, as amended in the Senate, **H 166**, as amended, as amended in the Senate, **H 326**, **H 184**, as amended, **H 328**, **H 325**, **H 253**, as amended in the Senate, **H 295**, as amended in the Senate, **H 327**, and **H 329** to the Governor at 12:20 p.m., as of this date, March 28, 2007.

CLARK, Chairman

March 28, 2007

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **HCR 32** to the Secretary of State at 1:01 p.m., as of this date, March 28, 2007.

CLARK, Chairman

There being no objection, the House advanced to the Seventh Order of Business.

#### Motions, Memorials, and Resolutions

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of **S 1243** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **S 1243** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bilbao, Black, Block, Bock, Boe, Bolz, Brackett, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Edmunson, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour(Herzfeld), Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ring, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Shively, Smith(30), Smith(24), Stevenson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 65.

NAYS -- Durst. Total -- 1.

Absent and excused -- Bell, Bradford, Snodgrass, Thayn. Total -- 4.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **S 1243** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Labrador to open debate.

The question being, "Shall **S 1243** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Brackett, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Edmunson, Eskridge, Hagedorn, Hart, Harwood, Henderson, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Raybould, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Shively, Snodgrass, Stevenson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 56.

NAYS -- Durst, Henbest, Jaquet, Killen, King, LeFavour(Herzfeld), Pence, Ringo, Smith(30), Smith(24), Trail. Total -- 11.

Absent and excused -- Bradford, Ring, Thayn. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **S 1243** passed the House. Title was approved and the bill was ordered returned to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

#### Adjournment

Mr. Moyle moved that the House adjourn until 10 a.m., Thursday, March 29, 2007. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 2:27 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

PAMM JUKER, Chief Clerk